

09/675,310 page 7

Remarks

Upon of the entry of the amendments to the claims, claims 2-7, 9-14 and 16 will be pending for consideration. Favorable reconsideration is requested.

Claims 1-16 were rejected under 35 U.S.C. § 112, first paragraph, as not clearly defining "fast response operation" in the specification. Applicant amends the specification on page 9 to explicitly define "fast response operation". It means an operation completed by a processor substantially instantaneously, i.e. the processor delay time for processing a packet being substantially less than the round-trip time for the packet between two nodes in the network.

This amendment to the specification does not constitute new matter. It would have been clear to one of ordinary skill in this art that this definition of fast response operation was originally intended by applicant. For example, if a fast response operation is detected, the client computer will assume the server computer processed the packet substantially instantaneously (see p. 4, lines 6-9). If the client request involves a fast response operation, the server computer processes the information contained in the packet substantially instantaneously. Consequently, the server delay is substantially less than the round-trip time delay of the packet, i.e. $SD \ll RTT$ (see p. 9, lines 1-7). Thus, the added definition merely makes explicit the meaning of fast response operation as would have been understood by one of ordinary skill the art based on the original specification. It is believed that this rejection is now rendered moot.

Claims 1-16 were rejected under 35 U.S.C. § 112, second paragraph, for the phrase "fast response operation" being indefinite. In view of the amendment to the specification explicitly defining "fast response operation" as explained above, is believed that the subject phrase is now in compliance with § 112, second paragraph.

Claim 2 was rejected under 35 U.S.C. § 112, first paragraph, with respect to "fast response operator analyzer". Claim 2 has been amended to refer to "an analyzer", and hence is believed that this rejection is rendered moot.

Originally presented claims 2, 6, 9-10 and 13 were only rejected based on § 112, i.e. these claims were not subject to rejection based on prior art. Claims 2, 6 and 9 have been rewritten in independent form and are believed to be in condition for allowance since the § 112 rejections are overcome as explained above. Independent claim 16 is amended by defining the determining step as including the step of duplicating the packet, and is similar to claim 9 which is believed to be allowable. Thus, claim 16 should also now be allowable. The remaining dependent claims have had dependencies changed to reflect the cancellation of independent claims 1, 8 and 15. It is respectfully submitted that all pending claims are in condition for allowance.

09/675,310 page 8

If a telephone conference with applicant's attorney would further the prosecution of the subject patent application, the examiner is invited to contact applicant's attorney at the below indicated telephone number. Favorable reconsideration is sought.

Respectfully submitted,

By Charles L. Warren

Charles L. Warren
Reg. No. 27,407

Date: 4/28/04

Customer No. 32205
630-584-9206 home office voice/fax